

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Local Housing Authority and Municipal Redevelopment Agency

Training Program and Executive Director Review

Training Curriculum

Local Housing Authority Crime Reports

Proposed Amendment: N.J.A.C. 5:44-2.1

Proposed New Rules: N.J.A.C. 5:44A

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 40A:12A-45 and 49

Calendar Reference: See Summary below for explanation of exception to calendar
requirement

Proposal Number: PRN 2004-239

Submit written comments by August 20 , 2004 to:

Michael L. Ticktin

Chief of Legislative Analysis

Department of Community Affairs

P.O. Box 802

Trenton, New Jersey 08625-0802

SUSAN BASS LEVIN

Commissioner

The agency proposal follows:

Summary

The New Jersey Department of Community Affairs proposes new rules at N.J.A.C. 5:44A to implement P.L. 2003, chapter 254 (NJSA 52:27D-3.4), an Act supplementing chapter 27D of Title 52 of the statutes and to amend P.L. 1992, c. 79. The Act requires housing authorities and the Commissioner of Community Affairs to report certain information on violent crimes and drug offenses to the Legislature. The proposed rules would establish procedures for collecting and reporting data on violent crimes and drug offenses committed on housing authority property and on property of 10 or more rental units receiving project-based Federal section 8 rental assistance, hereinafter, “project based housing.”

The proposed rules would require the executive director of each housing authority and the owner of project-based housing in New Jersey to file a report with the Department no later than September 1 of each year on a form provided by the Department for this purpose. The report provides the number and type of violent crimes and drug offenses that occurred on covered property during the preceding State fiscal year.

The proposed rules would also amend the Housing Authority Training Program curriculum to include instruction for executive directors and commissioners on strategies on drug elimination and crime prevention and control. This course shall be offered as one of the elective classes available to executive directors and commissioners.

The following provides a summary of the key provisions of the proposed amendment and new rules:

N.J.A.C. 5:44-2.1 is amended to incorporate training on crime prevention and drug elimination into the ongoing Housing Authority and Redevelopment Agency Training Program curriculum.

NJAC 5:44A-1 sets forth general provisions and defines the terms used throughout the chapter, including the specific violations to be reported. Violent crimes are identified in the Uniform Crime Report Index published by the Department of Law and Public Safety as “homicide, rape, aggravated assault and robbery.” Reportable drug offenses are those enumerated in the Comprehensive Drug Reform Act of 1987.

NJAC 5:44A- 2 sets forth the reporting requirements and procedures for compliance. It establishes the annual reporting period for data collection as July 1 to June 30, and the date for submission to DCA as September 1 of each year.

NJAC 5:44A-2.2 sets forth the Department’s responsibility to compile and analyze the reported data and submit a report to the Legislature on or before January 1 of each year. The proposed chapter Appendix includes the “Public Housing Crime Report” form and instructions to be used in reporting to the Department.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment and new rules would have a positive social impact insofar as they would further the awareness of public housing authorities and owners of

project-based housing about the extent of crimes and drug abuse on their properties. This information would also be useful for law enforcement planning purposes.

Economic Impact

Compliance with the proposed amendment and new rules, as mandated by legislation, would have an economic impact on the Department, housing authorities and covered property owners and on local police departments. The Department would incur annual costs to compile, review and analyze the reports submitted from 84 housing authorities and hundreds of other covered property owners, and to prepare annual reports to the Legislature.

Law enforcement agencies would incur costs in manpower responding to requests from housing authorities and covered property owners for information to be reported under N.J.A.C. 5:44A.

The economic impact of compliance with the proposed rules would be substantially mitigated because all law enforcement agencies in the state already collect and submit crime reports to the State Police as required by the NJ Uniform Crime Reporting Law, N.J.S.A. 52:17 B-5.1 et seq., and could make this information available to housing authorities.

Housing authorities and property owners would also incur costs in manpower to compile the required information. The costs would vary in each case, however, depending on the information already available at local police departments. Additional costs may be incurred by housing authorities when enrolling officials and staff in a crime prevention class. However, the cost of training is a Federally reimbursable expense.

The proposed rules in and of themselves merely create a form and, as such, add no costs.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment and new rules are dictated by State statute, and are not subject to any Federal requirements or standards.

Jobs Impact

The proposed new rules may increase the demand for security personnel employed by housing authorities and project-based housing owners insofar as an increased awareness of security needs might be addressed through an expanded security force.

Agriculture Industry Impact

The proposed amendment and new rules would not affect the agriculture industry.

Regulatory Flexibility Analysis

The housing authorities that would be required to comply with the new rules are public entities and are not "small businesses" as defined by the Regulatory Flexibility Act, NJSA 52:14B-16 et seq. There are likely a number of "small businesses" among the owners of project-based housing on whom the proposed rules would impose reporting, recordkeeping or compliance requirements. These owners would have to obtain the information on violent crimes and drug offenses occurring on their properties from their local police departments and report this information to the Department on the form

provided for this purpose. Owners with property in different jurisdictions would need to submit more than one report and might incur a greater cost in terms of time. However, as indicated in the Economic Impact above, most police departments maintain the required information and the Department is providing a simplified reporting form to minimize the time small business owners would need to compile the information.

Smart Growth Impact

To the extent the proposed amendment and new rules would provide added measures to reduce crime in urban neighborhoods, it would further the redevelopment of urban areas as set forth in the State Development and Redevelopment Plan and would positively impact the achievement of smart growth.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:44-2.1 Training curriculum

- (a) The purpose, objectives and content of each course approved as part of the LHA/MRA Training Program curriculum shall meet the standards established and approved by the Department, as set forth in this chapter, and shall address New Jersey rules, programs and issues, **including strategies for drug elimination and crime prevention and control.** The course of study shall be designed to clarify the functions, duties and limits of housing authorities and

redevelopment agencies and the decision-making responsibilities of individuals serving as executive directors or commissioners and to familiarize them with current methods and procedures for managing public housing units, publicly assisted housing, or redevelopment projects.

(b) The course curriculum for commissioners of local housing authorities shall consist of four mandatory courses and one of the available elective courses, ranging in length from one-half day to one day. A half-day program shall be four hours in length, while a full day program shall be seven hours. Housing authority members must satisfactorily complete all mandatory courses and one elective course within the time prescribed in N.J.A.C. 5:44-2.4(a).

1. (No change.)
2. Elective courses for commissioners may include but are not limited to, the following courses. At the discretion of the Department, courses may be added or eliminated, as participant demand and interest dictate.
 - i-iii. (No change.)
 - iv. Tenant-Based Assistance; [and]
 - v. Planning and Development of Affordable Housing [.]; **and**
 - vi. Drug elimination and security strategies.**

(c) The course curriculum for executive directors of local housing authorities shall consist of seven mandatory courses and three of the available elective courses, ranging in length from one-half day to two days. A half-day program shall be four hours in length,

while a full-day program shall be seven hours. Executive directors of housing authorities must satisfactorily complete all seven mandatory courses and three elective courses within the time prescribed in N.J.A.C. 5:44-2.4(b). Six of the seven mandatory courses shall be offered through the LHA/MRA Training Program. The seventh course, Public Housing Management Certification, is available from other sources.

1. (No change.)
2. Elective courses for executive directors may include but are not limited to, the following courses. Courses may be added or eliminated, as participant demand and interest dictate, and at the discretion of the Department.

i-vi (No change.)

vii. Principles of Redevelopment [and}

viii. Planning and Development of Affordable Housing[.] **; and**

ix. Drug elimination and security strategies.

(d) - (g) (No change.)

CHAPTER 44A

LOCAL HOUSING AUTHORITY CRIME REPORTS

SUBCHAPTER 1. GENERAL PROVISIONS

5:44A –1.1 Title

The rules in this chapter shall be known as the “Rules for Housing Authority Crime Reports.”

5:44A – 1.2 Purpose

The purpose of the rules is to provide for the annual reporting to the Department of Community Affairs and to the Legislature information on violent crimes and drug offenses occurring on covered property.

5:44A – 1.3 Applicability

These rules shall apply to any local housing authority created or continued pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A -1 et seq., that owns and manages low-income units and to owners of property of 10 or more rental units receiving project-based Federal rental assistance, hereinafter “project-based housing.”

5:44A-1.4 Definitions

All the definitions in the Redevelopment and Housing Law, N.J.S.A. 40A:12A – 1 et seq., and in N.J.A.C. 5:44 are incorporated in this section by reference. In addition, the following terms shall have the following meanings, unless the context clearly indicates otherwise:

“Controlled dangerous substance” means a drug, substance, or immediate precursor and shall include controlled substance analogs. The term shall not include distilled spirits, wine, malt beverages, or tobacco and tobacco products.

“Controlled substance analog” means a substance that has a chemical structure substantially similar to that of a controlled dangerous substance and is specifically designed to produce an effect substantially similar to that of a controlled dangerous substance.

“Covered properties” means public housing authority property and project-based housing of 10 or more rental units

“Drug offenses” means those offenses enumerated in the Comprehensive Drug Reform Act of 1987, N.J.S.A. 2C:35-36.1 et al., and involving the unlawful use, possession, manufacture, dispensing or distribution of a controlled dangerous substance or analog or drug paraphernalia

“Project-based housing” means multi-family property of 10 or more units receiving project-based Federal section 8 rental assistance.

“Reportable crimes” means those violent crimes and drug abuse offenses defined in this section that shall be included in the “Public Housing Crime Report” to the Department (see chapter Appendix).

“Violent crimes” means those crimes delineated in the most recently issued Uniform Crime Report, published by the Department of Law and Public Safety, according to the following categories: Homicide, Rape, Robbery and Aggravated Assault. The Report can be obtained electronically on the web from the Office of the Attorney General at www.state.nj.us/lps/publications.htm.

44A – 1.5 Severability

If any provision of these rules or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rules, and the rules shall remain in effect in all valid provisions that are severable and, to this end, the provisions of the rules are severable.

SUBCHAPTER 2. REPORTING REQUIREMENTS AND ADMINISTRATION

5:44A-2.1 Reporting requirements

- (a) No later than September 1 of each year, executive directors and owners of covered property shall prepare and submit to the Department a report on the violent crimes and drug offenses committed on their property. The reporting period shall cover the 12 months from July 1 to June 30 immediately preceding the report. The report shall be prepared by completing the “Public Housing Crime Report” form provided by the Department and set forth herein as the chapter Appendix, incorporated herein by reference.**
- (b) By January 1 of each year, the Commissioner of Community Affairs shall prepare and distribute to each member of the Legislature a report that compiles and analyzes the information submitted.**
- (c) Owners of project-based housing properties located in different municipalities shall complete a separate report for properties in each municipality. Covered properties in the same municipality may be aggregated for reporting purposes.**

5:44A-2.2 Procedures

- (a) Housing authorities and project-based housing entities shall cooperate with local law enforcement agencies to obtain information on violent crimes and drug offenses consistent with New Jersey’s Uniform Crime Reporting Program. Law enforcement agencies shall be provided the addresses of covered properties owned at any time during the preceding 12-month**

reporting period with a request to provide the number and type of violent crimes and drug offenses committed on each of these properties.

- (b) Information from law enforcement agencies shall be used to complete the “Public Housing Crime Report.” The completed report shall be signed by the executive director and chairman of the housing authority or by the owner or manager of project-based housing and submitted no later than September 1st to the Department of Community Affairs, Division of Housing and Community Resources, 101 S. Broad Street, PO Box 051, Trenton NJ 08625, Attn. PHA Program Manager.

5:44A-2.3 Compliance

- (a) Each housing authority and project-based housing entity is required to make a reasonable effort to obtain and accurately report the information requested. An authority or entity is deemed to have met its obligation in accordance with N.J.S.A. 52:27D-3.4 if it secures violent crime and drug offense information from the local law enforcement agency on the properties it owns.
- (b) A housing authority or project-based housing entity unable to provide the requested information shall submit a certification signed by the local law enforcement agency official responsible for maintaining crime records stating that the information requested is unavailable.

5:44A - 2.4 Enforcement

(a) The Department shall take appropriate action to gain compliance with this chapter. This appropriate action shall include, but is not limited to, issuing administrative orders or notices or instituting or causing to be instituted any necessary legal proceedings. The Department shall take such action if it determines that an executive director or owner of covered property:

1. Has fraudulently or deceitfully reported false information in violation of the statute and this chapter; or

2. Has failed to comply with any order issued by the Department.

(b) The Department, in addition or as an alternative to the actions listed in (a) above, may issue a letter of warning, reprimand, or censure with regard to any conduct that, in the judgment of the Department, so warrants.

5:44A – 2.5 Right of appeal

(a) Any housing authority or person aggrieved by any notice, action or order under this chapter concerning reporting requirements may appeal by submitting a written hearing request to the Hearing Coordinator, DCA, PO Box 802, Trenton, NJ 08625. The hearing shall be conducted by the Office of Administrative Law pursuant to the Administrative Procedure Act, N.J.S.A 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, and the final decision shall be issued by the Commissioner.

(b) All hearing requests shall be signed by the aggrieved party and shall include:

- 1. The date of the action that is the subject of the appeal;**
- 2. The name, title and status of the person submitting the appeal;**
- 3. The action claimed to be in error; and**
- 4. A concise statement of the basis for the appeal.**

(c) Hearing requests shall be denied unless submitted within 15 days after receipt of the ruling, notice or other similar document upon which the appeal is based.

APPENDIX

PUBLIC HOUSING CRIMES REPORT

Report Period: _____ to _____

General Information		
Name of property owner, corporation, or authority		
Mailing Address		
Name of contact person (Director, Manager)		
Title of Contact Person		
Telephone number (and extension)		
Name and address of housing development		
Source of crime statistics data		
Total number of residents		
Total number of units		
Annual expenditure for crime prevention and drug elimination		

Number of Incidents					NARCOTICS	
TYPE OF VIOLENT CRIMES						
HOMICIDE	RAPE	ROBBERY	AGGRAVATED ASSAULT		NARCOTICS POSSESSION	DRUGS: DISTRIBUTION/ MANUFACTURE

This report has been reviewed and is submitted by:

HOUSING AUTHORITY

Executive Director

Date

OR

PROJECT BASED HOUSING

Property Manager

Date

INSTRUCTIONS

1. Open template form and cursor will be on the cell for the starting date of reporting period (July 1, 20__). If you use the **[Tab] key** the cursor will jump to the next field – the ending date of the reporting period (June 30, 20__). If you use the **[Tab] key**, rather than the arrow keys, the cursor will take you to the next data field.
2. There is a comment note for each entry field. You can see the note if you place the cursor on the small red triangle. Each note contains the appropriate way to enter the data. Please enter data only in the designated cell(s).
3. When you are done entering all data please mail, fax or send it electronically via e-mail. If you are going to mail or fax the report just click on the print icon and the print format is already designed. The address for mailing is as follows:

Department of Community Affairs
Division of Housing and Community Resources
101 South Broad Street – P.O. Box 051
Trenton, New Jersey 08625

Attn. PHA Program Manager